REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended Claims 1, 3-7, 9-11, 20, 29 and 35; Claims 13, 16-19, 32 and 34 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-12, 14-15, 20-31, 33, and 35-36 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-5, 14-23, and 29-31 under 35 U.S.C. § 102(e) as being anticipated by Butler et al. (US Pub. No. 2003/0012183 A1). The Applicant respectfully traverses the Examiner's rejection and submits the following remarks for the Examiner's favorable reconsideration.

The present invention discloses and claims a "three-layer node" communications network. First, a "call control node" including both switching intelligence as well as narrowband switching fabric is claimed in accordance with the teachings of the present invention. The switching intelligence as well as the narrowband switching fabric is located within the call control node in order to "combine narrowband and broadband transport mechanisms in a communication network." Second, a "plurality of connection control nodes each including broadband switching fabric" is claimed in accordance with the teachings of the present invention. Lastly, an "intermediate node operatively connectable to the call control node and the plurality of connection control nodes" is further claimed in the present invention. As further recited, the intermediate node further includes a plurality of call processors for providing interworking between the call control node and the plurality of connection control nodes. Additionally, the call control node further includes a load distribution function for distributing the load amongst the plurality of call processors.

The Applicant respectfully submits that such "three-layer node" communications network is neither disclosed nor taught by the Butler reference. It is indeed true that Butler discloses a "signaling gateway (SG)" (which the Examiner compares to the call

control node), a "service creation switches (SX)" (which the Examiner compares to the intermediate node), and a "media gateway (MG)" (which the Examiner compares to the connection control nodes). However, the SG within the Butler reference fails to disclose or teach the "switching intelligence and narrowband switching fabric" as claimed in independent Claim 1. Additionally, nothing in Butler discloses or teaches having a plurality of call processors for providing interworking between the call control node and the plurality of connection control nodes. Furthermore, there is nothing in Butler that discloses that it is the SG (call control node) that includes the "load distribution function" for distributing the load amongst the multiple call processors within the intermediate node.

As a result, the Applicant respectfully submits that other than generally describing a three-layer communication network, the Butler fails to anticipate or render obvious each and every element of the presently pending claim by failing to disclose or teach a "call control node including switching intelligence and narrowband switching fabric." It also fails to disclose or teach an "intermediate node operatively connectable to said call control node and said plurality of connection control nodes, said intermediate node including a plurality of call processors for providing interworking between the call control node and said plurality of connection control node." As mentioned above, the Butler reference simply fails to disclose that it is the "call control node" that includes a "load distribution function" for distributing the load amongst the plurality of call processors. In that regard, even the Examiner agreed by stating that Fig. 1 of Butlers shows that it is the SX that distributes the load to MGs. Accordingly, in Butler, it is the intermediate node (SX) that distributes the loads amongst multiple connection control nodes (MGs). However, in the present invention, it is the call control node which includes the load distribution function for distributing the load amongst the call processors within the intermediate node. As a result, the Butler configuration is distinguishable and different from the present invention.

The Applicant therefore respectfully submits that independent Claim 1 and its dependent claims are now in condition for allowance.

As for independent Claim 16 and its dependent claims, the Applicant has cancelled those claims without prejudice.

Independent Claim 20 and its dependent claims are further in condition for allowance for at least similar reasons as stated above for independent Claim 1.

3.) Allowable Subject Matter

The Applicant notes with appreciation the conditional allowance of claims 34-36. As the Examiner has suggested, claim 34 has been rewritten in independent form including all limitation of the base claims and any intervening claims. Accordingly, independent Claim 29 (including all the limitations of claim 34 and its intervening claim 32) and its dependent claims are now in condition for allowance.

4.) Prior Art Not Relied Upon

In paragraph 7 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

By John C. Han
Registration No. 41,403

Date: May 23, 2006

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-7686
john.han@ericsson.com